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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,515	06/07/2001	Robert J. Davies	GB 000109	9201

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/876,515

Applicant(s)

DAVIES ET AL.

Examiner

Karen L Le

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn et al. (U.S. 6,782,253).

Regarding claims 1 and 10, Shteyn teaches a communications system comprising at least one beacon device (Fig. 1, item 104) capable of wireless message transmission and at least one portable device (Fig. 1, item 108) capable of receiving such a message transmission, wherein the beacon is arranged to broadcast a series of inquiry messages each in the form of a plurality of predetermined data fields arranged according to a first communications protocol, wherein the

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beacon is further arranged to add to each inquiry message prior to transmission an additional data field, and wherein the at least one portable device is arranged to receive the transmitted inquiry messages and read data from said additional data field, the additional data field including location information (Col. 3, lines 1-9 and Col. 4, lines 6-12).

Regarding claims 2-3 and 12-13, Shteyn further teaches the beacon is arranged to add said additional data field at the end of a respective inquiry message wherein the beacon is arranged to include an indication in one of said predetermined data fields, said indication denoting the presence of said additional data field (Col. 1, lines 48-62).

Regarding claims 4 and 14, Shteyn further teaches a system as claimed in Claim 1, wherein said first communications protocol comprises Bluetooth messaging (Col. 3, lines 50-51).

Regarding claims 5 and 7, Shteyn further teaches a system as claimed in claim 4, wherein a special Dedicated Inquiry Access Code (DIAC) is used to indicate the presence of location information in the additional data field. Wireless messaging system employs frequency hopping, and further wherein location data is sent on each frequency used for inquiry message broadcasts (Col. 3, lines 62- Col. 4, lines 17).

Regarding claim 6, Shteyn further teaches a system as claimed in claim 1, wherein the presence of location information in the additional data field is indicated with header information appearing in the additional data field (Col. 3, lines 62- Col. 4, lines 17).

Regarding claim 8, Shteyn further teaches a mobile communication device for use in the system of Claim 1, the device comprising a receiver capable of receiving a short-range wireless inquiry message including a plurality of data fields according to a first communications protocol, means for determining when an additional data field including location information has been added to said plurality of data fields, and means for reading the location information data from such an additional data field (Col. 6, lines 17-27).

Regarding claim 9, Shteyn further teaches a device as claimed in Claim 8, wherein the receiver is configured to receive messages according to Bluetooth protocols (Col. 3, lines 36-39).

Regarding claim 11, Shteyn further teaches a method for enabling the user of a portable communications device (Fig. 1, item 108) to receive broadcast messages wherein at least one beacon device (Fig. 1, item 104) broadcasts a series of inquiry messages each in the form of a plurality of predetermined data fields arranged according to a first communications protocol, wherein the beacon adds to each inquiry message prior to transmission an additional data field carrying broadcast message data including location information, and wherein the portable device receives the transmitted inquiry messages including the location information and reads the broadcast data from said additional data field (Col. 3, lines 1-9 and Col. 4, lines 6-12).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L Le whose telephone number is 703-308-4998. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le  
KLL  
February 17, 2005



AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
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